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10/539,704	07/18/2005	Ari Vaisanen	60282.00258	4609

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EXAMINER	
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ART UNIT	PAPER NUMBER
	2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/539,704	VAISANEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Muthuswamy G. Manoharan	2617

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 10 August 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-45 and 48-61 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-45 and 48-61 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-45,48-61 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1,13,25,32,44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Raith (US 6259915).**

Regarding claim 1, Raith teaches a method of deciding a communication connection changeover of a subscriber terminal (Col. 7, lines 45-46), said method comprising:

detecting communication information from said at least one access node, said communication information comprising frequency band information indicating at least one frequency band where said at least one access node is capable to communicate (“neighborhood list can include information pertaining to servers operating on the cellular hyperband as well as servers operating on the PCS hyperband”, Col. 5, lines 48-60),

transmitting said communication information from said at least one access node to said subscriber terminal by signaling (“the mobile station receives a neighborhood list from the cellular system”, Col. 5, lines 48-60).

processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency band information; and using the processing result for a decision on a communication connection changeover of the subscriber terminal (Col. 5, lines 48-53; Col. 5, lines 56-60; “**changeover to a new frequency to continue connection**”, Col. 7, lines 41-47).

Regarding claim 25, Raith teaches an access node for a wireless communication network (Figure 1) comprising: detecting device configured to detect and transmit communication information to a subscriber terminal, said communication information comprising frequency band information indicating at least one frequency band where at least one access node is capable to communicate, wherein said detecting device is further configured to incorporate the communication information in a signaling to said subscriber terminal (Col. 6, lines 8-33).

Claims 13,32,44, and 45 are rejected for the same reason as set forth in claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the

United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Moreton et al. (hereinafter Moreton) (US 2004/00131128).**

Regarding claim 25, Moreton teaches an access node for a wireless communication network comprising: detecting device configured to detect and transmit communication information to a subscriber terminal, said communication information comprising frequency band information indicating at least one frequency band where at least one access node is capable to communicate, wherein said detecting device is further configured to incorporate the communication information in a signaling to said subscriber terminal (Paragraph [0014]; Paragraph [0006], line 4; "Beacons frames carry information about the data capability of the AP, and are sent out from the AP at regular intervals", Paragraph [0089-0090]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8,10-20,22-24,32-45,48-50,52,53,55,56 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreton et al. (hereinafter Moreton) (US 2004/00131128) in view of Raith et al. (hereinafter Raith) (US 6259915).**

Regarding claim 1, Moreton teaches a method of deciding a communication connection changeover of a subscriber terminal, said method comprising:

detecting communication information from said at least one access node, said communication information comprising frequency band information indicating at least one frequency band where said at least one access node is capable to communicate (Abstract, lines 3-7),

transmitting said communication information from said at least one access node to said subscriber terminal by signaling (Paragraphs [0089-0090].

Moreton did not teach specifically, a method of processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency band information; and using the processing result for a decision on a communication connection changeover of the subscriber terminal.

However, Raith teaches in an analogous art, a method of processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency band information; and using the processing result for a decision on a communication connection changeover of the subscriber

terminal (Col. 5, lines 48-53; Col. 5, lines 56-60; “**changeover to a new frequency to continue connection**”, Col. 7, lines 41-47).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the a method of processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency band information; and using the processing result for a decision on a communication connection changeover of the subscriber terminal. This modification improves communication capability of the system.

Regarding claim 2, Moreton further teaches the method according to claim 1, wherein transmitting comprises sending the communication information across a wireless communication network is a WLAN, based on an IEEE 802.1 1 standard (Paragraph [0003], lines 1-2). This limitation is well known in the art as admitted by the Applicant (US 2006/0073827, Paragraph [0005], lines 5-6)

Regarding claim 3, Moreton further teaches the method according to claim 2, wherein said at least one frequency band comprise a frequency band of 2.4 GHz and one or more frequency bands between 5 and 6 GHz (Paragraph [0053], lines 4-7; Paragraph [0018], Paragraph [0038]).

Regarding claim 4, Moreton in view of Raith teaches all the particulars of the claim 1. Moreton did not teach specifically the method wherein, said communication information further comprises a multiple band indicator related to at least part of the at least one access node. However, Raith teaches in an analogous art, wherein said

communication information further comprises a multiple band indicator related to at least part of the at least one access node ("Cellular hyperband", "PCS hyperband"; Col. 5, lines 48-64). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method said communication information further comprises a multiple band indicator related to at least part of the at least one access node. This modification helps in completing the handover process quickly.

Regarding claim 5, Moreton further teaches the method according to claim 1, wherein said communication information further comprises a traffic load indicator related to the at least one frequency band of at least part of the at least one access node (Paragraph [0090], line 2).

Regarding claim 6, Moreton in view of Raith teaches all the particulars of the claim 1. Moreton did not teach specifically, said communication information further comprises a frequency band coverage indicator related to frequency bands of neighboring access nodes of the transmitting access node in the wireless communication network. However, Raith teaches in an analogous art, wherein said communication information further comprises a frequency band coverage indicator related to frequency bands of neighboring access nodes of the transmitting access node in the wireless communication network ("Cellular hyper band", "PCS hyper band"; Col. 5, lines 48-64). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, wherein said communication information further comprises a frequency band coverage indicator related to frequency bands of neighboring access nodes of the transmitting access node in the wireless

communication network. This modification helps in completing the handover process quickly.

Regarding claim 7, Moreton further teaches the method according to claim 1, wherein said communication information comprise a frequency channel indicator for indicating the frequency channel used by at least part of the at least one access node at the respective frequency band (Paragraph [0029]).

Regarding claim 8, Moreton in view of Raith teaches all the particulars of the claim 1. Moreton did not teach specifically the method according to claim 1, wherein said processing further comprises: detecting a signal strength indicator on a predetermined frequency band; and comparing the detected signal strength indicator with a predefined threshold value, wherein the result of the comparison indicates an estimation of the connection capability of an access node on another frequency band. However, Raith teaches in an analogous art, wherein said processing step further comprises steps of detecting a signal strength indicator on a predetermined frequency band (Col. 7, lines 41-42); and comparing the detected signal strength indicator with a predefined threshold value, wherein the result of the comparison indicates an estimation of the connection capability of an access node on another frequency band (Col. 7, 59-67, Col. 8, lines 1-35). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the, wherein said processing step further comprises steps of detecting a signal strength indicator on a predetermined frequency band; and comparing the detected signal strength indicator with a predefined threshold value, wherein the result of the comparison indicates an estimation of the connection capability

of an access node on another frequency band. This modification improves the decision making process and improves signal quality.

Regarding claim 10, Moreton further teaches the method according to claim 1, wherein a result of the decision on a communication connection changeover of the subscriber terminal comprises a change of the communication connection from the present frequency band to another frequency band which is common to the subscriber terminal and the access node associated with the subscriber terminal (Paragraph [103-104]).

Regarding claim 11, Moreton in view of Raith teaches all the particulars of the 11. Moreton did not teach specifically method according to claim 1, on a communication connection changeover of the wherein a result of the decision subscriber terminal is a change of the communication connection from the current access node to a specific frequency band of a neighboring access node which is common to the subscriber terminal and the neighboring access node to be associated with the subscriber terminal. However, Raith teaches in an analogous art, method according to claim 1, on a communication connection changeover of the wherein a result of the decision subscriber terminal is a change of the communication connection from the current access node (item 30 in Figure 1) to a specific frequency band of a neighboring access node which is common to the subscriber terminal and the neighboring access node to be associated with the subscriber terminal (Col. 7, lines 41-67; Col. 8, lines 1-11). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method according to claim 1, on a communication connection changeover of

the wherein a result of the decision subscriber terminal is a change of the communication connection from the current access node to a specific frequency band of a neighboring access node which is common to the subscriber terminal and the neighboring access node to be associated with the subscriber terminal. This modification provides improvement in signal quality.

Regarding claim 12, Moreton in view of Raith teaches all the particulars of the claim 1. Moreton did not teach specifically wherein communication information transmitted from two or more access nodes in the wireless communication network are processed in said processing step. However, Raith teaches in analogous art wherein communication information transmitted from two or more access nodes in the wireless communication network are processed in said processing step (Col. 8, lines 26-35). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein communication information transmitted from two or more access nodes in the wireless communication network are processed in said processing step. This modification provides reliable communication for a roaming subscriber terminal.

Claims 13-17 and 20 are rejected for the same reasons as set forth in claims 1-5 and 8 respectively.

Claim 18 is rejected for the same reason as set forth in claim 6.

Claim 19,20 are rejected for the same reasons as set forth in claims 7 and 8 respectively.

Regarding claim 22, Moreton further teaches a system according to claim 13, wherein the deciding means for deciding on a communication connection changeover are configured to decide to change the communication connection from the present frequency band to another frequency band which is common to the subscriber terminal and the access node associated with the subscriber terminal (Paragraph [0039]; Abstract).

Claim 23 is rejected for the same reason as set forth in claim 11.

Regarding claims 24 and 43, Moreton in view of Raith teaches all the particulars of the claim 1. Moreton did not teach specifically, wherein the means for processing the transmitted communication information are adapted to process communication information transmitted from two or more access nodes in the wireless communication network. However, Raith teaches in an analogous art, wherein the means for processing the transmitted communication information are adapted to process communication information transmitted from two or more access nodes in the wireless communication network (Figures 1, 2; Col. 4, lines 18-22). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the means for processing the transmitted communication information are adapted to process communication information transmitted from two or more access nodes in the wireless communication network. This modification helps in increase the flexibility of use of access points in a wireless local area network.

Claims 26-29 are rejected for the same reasons as set forth in claims 2-5 respectively.

Regarding claim 30, Moreton in view of Raith teaches all the particulars of the claim 25. Moreton did not teach specifically wherein said communication information further comprises coverage indicator related to frequency bands of neighboring access nodes of the access frequency band node in the wireless communication network. However, Raith teaches in an analogous art, wherein said communication information further comprises coverage indicator related to frequency bands of neighboring access nodes of the access frequency band node in the wireless communication network (Col. 5, lines 48-67). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the access node wherein said communication information further comprises coverage indicator related to frequency bands of neighboring access nodes of the access frequency band node in the wireless communication network. This modification provides reliable communication for a roaming subscriber.

Claims 32-34 are rejected for the same reasons as set forth in claims 1-3 respectively.

Regarding claim 35, Moreton teaches a subscriber terminal according to claim 32, wherein said receiving device is further configured to extract the communication information from a beacon packet broadcasted from the access node (Paragraph [0089], lines 1-2).

Claims 36,37,39-42 are rejected for the same reason as set forth in claims 4,5,7,8,10 and 11 respectively.

Claim 38 is rejected for the same reason as set forth in claim 6.

Regarding claim 39, Moreton in view of Raith teaches all the particulars of the claim except the access node according to claim 32, wherein said indicator for indicating the frequency channel used by the access node at the respective frequency band. However, Awater teaches in an analogous art, wherein said indicator for indicating the frequency channel used by the access node at the respective frequency band (Paragraph [0007]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the access node, wherein said indicator for indicating the frequency channel used by the access node at the respective frequency band. This modification provides reliable communication for a roaming subscriber.

Claim 44 is rejected for the same reason as set forth in claim 1.

Claim 45 is rejected for the same reason as set forth in claim 32.

Regarding claim 48, Morten teaches a method usable in an access node entity for a decision procedure on performing a communication connection changeover of a subscriber terminal in a wireless communication network comprising at least one access node, wherein said subscriber terminal is able to communicate with an access node in said wireless communication network (Figure 1), said method comprising the steps of: detecting communication information from said at least one access node, said communication information comprising frequency band information indicating at least one frequency band where said at least one access node is capable to communicate (Abstract, lines 3-7), transmitting said communication information from said at least one access node to said subscriber terminal by signaling (Paragraphs [0089-0090]).

Regarding claim 49, Moreton teaches a method usable in a subscriber terminal entity for a changeover decision procedure comprising:

receiving communication information from said at least one access node in a wireless communication network, , said communication information comprising frequency band information indicating at least one frequency band where at least one access node is capable to communicate, by signaling (Abstract, lines 3-7).

Moreton did not teach specifically, a method of processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency band information; and using the processing result for a decision on a communication connection changeover of the subscriber terminal. However, Raith teaches in an analogous art, a method of processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency band information; and using the processing result for a decision on a communication connection changeover of a subscriber terminal ((Col. 5, lines 48-53; Col. 5, lines 56-60; **“changeover to a new frequency to continue connection”**, Col. 7, lines 41-47)).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the a method of processing the transmitted communication information and determining based on the communication information a communication connection capability of at least part of the at least one access node on the basis of the frequency

band information; and using the processing result for a decision on a communication connection changeover of the subscriber terminal. This modification improves communication capability of the system.

Regarding claim 50, Moreton teaches the method according to claim 1, wherein the signaling comprises a transmission of one or more frames (Figure 9).

Claims 52,55,58 and 61 are rejected for the same reasons as set forth in claim 4.

Claims 53 and 56 are rejected for the same reason as set forth in claim 50.

**Claims 9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreton et al. (hereinafter Moreton) (US 2004/00131128) in view of Raith et al. (hereinafter Raith) (US 6259915) and further in view of Holeman et al. (hereinafter Holeman) (US 2003/0108006).**

Regarding claim 9, Moreton in view of Raith teaches all the particulars of the claim except wherein the decision on a communication connection changeover is made by the subscriber terminal. However, Holeman teaches in an analogous art, a method wherein the decision on a communication connection changeover is made by the subscriber terminal (Paragraph [0045], lines 1-10). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the decision on a communication connection changeover is made by the subscriber terminal. This modification reduces the workload of the access point and also the access point need not know all the capabilities of the subscriber terminal.

Claim 21 is rejected for the same reason as set forth in claim 9.

**Claims 51,54,57,59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreton et al. (hereinafter Moreton) (US 2004/00131128) in view of Raith et al. (hereinafter Raith) (US 6259915) and further in view of Awater et al. (US 2001/0010689).**

Regarding claim 51, Moreton in view of Raith teaches all the particulars of the claim except, wherein the signaling comprises a Probe Request/Probe Response. However, Awater teaches in an analogous art, wherein the signaling by means of which the communication information is transmitted comprises a Probe Request/Probe Response (Paragraph [0007]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the signaling by means of which the communication information is transmitted comprises a Probe Request/Probe Response to obtain information regarding AP's (This is a part of IEEE 802.11 standard). The above limitation is **well known in the art as admitted by the Applicant (US 2006/0073827; Paragraph [0006], lines 10-13).**

Claims 54,57,59 and 60 are rejected for the same reason set forth in claims 51.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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